



8/4/04

## CONFERENCE REPORTS

### HB 4612 (BROWN)

#### DETROIT CASINO TAX

- The Senate did not adopt the 2<sup>nd</sup> Conference Report [RC 604: 28 yes, 6 no]. 3/4<sup>th</sup> of the Senate (29 votes) needed for adoption.
- The Senate adopted the 2<sup>nd</sup> Conference Report [RC 605: 28 yes, 6 no].

## MESSAGES FROM THE HOUSE

### SB 267 (Johnson)

#### Supplemental budget

- Johnson 1A (2 amends) was adopted [no RC].
- Stamas 1B (1 amend) was adopted [no RC]. Pro-rate PILT.
- The Senate concurred with the House changes to SB 267 [RC 581: 38 yes, 0 no].

### SB 874 (Bishop)

SB 874 would allow the state administrative board to convey the Fairlawn Campus of the former Clinton Valley Center to the Pontiac School District for fair market value. The school district would have the first right of refusal for a period of 120 days after the bill's effective date. The school district still would be required to pay the fair market value of the property. Under the bill, if within three years after the date of purchase, the school district conveyed the property for any purpose other than public education, the district would have to pay the State 50% of the net profit realized from the conveyance.

- The Senate concurred with the House changes to SB 874 [RC 573: 37 yes, 0 no]. Immediate Effect was given to the bill.

### SB 927 (McManus)

SB 927 would re-establish a legislative work group to review game and fish program revenue for the Department of Natural Resources. Support: Michigan United Conservation Clubs (MUCC), Trout Unlimited --

The creation of a legislative work group should help to ensure that state legislators will review the DNR's game and fish programs.

- The Senate concurred with the House changes to SB 927 [RC 574: 37 yes, 0 no]. Immediate Effect was given to the bill.

#### **SB 1051 (Cropsey)**

SB 1051 would make a number of technical amendments to provisions of the Estates and Protected Individuals Code (EPIC) that pertain to estates and trusts.

- The Senate concurred with the House changes to SB 1051 [RC 575: 37 yes, 0 no]. Immediate Effect was given to the bill.

#### **SB 1262 (Patterson)**

SBs 1262 would remove unnecessary references to the State Court Administrative Office. The State Court Administrative Office (SCAO) aids the Michigan Supreme Court in administration of the state's trial courts. Under the general direction of the Supreme Court, the SCAO has responsibility for assisting in the administration of justice in the state's trial courts. According to counsel for the state supreme court, a number of statutes make reference to the State Court Administrative Office when there is no need for the involvement of the SCAO. At the request of the SCAO, legislation is being offered to amend several statutes to remove references to the office.

- The Senate concurred with the House changes to SB 1262 [RC 576: 37 yes, 0 no]. Immediate Effect was given to the bill.

#### **SB 1274 (Brown)**

SB 1274 would allow employers with gross receipts of \$10 million or less in a tax year to claim a credit based on the number of employees earning not more than \$85,000 per year who are performing "created jobs". This would apply for the 2005 tax year. The bill would reduce single business tax revenue, all of which is General Fund revenue, by an estimated \$3 to \$5 million in tax year 2005. Approximately 75% of the fiscal impact would affect 2004-05 and 25% would affect 2005-06.

- The Senate concurred with the House changes to SB 1274 [RC 577: 37 yes, 0 no]. Immediate Effect was given to the bill.

#### **SB 1297 (Cropsey)**

SB 1297 would allow the Department of Management and Budget to dispose of several properties (located in Wayne, Houghton, and Isabella counties) declared as surplus to the state. Any properties sold will bring in much needed revenue to the state. Those properties conveyed to local governmental units for less than fair market value would have to be used for public purposes, and would relieve the state of any current maintenance costs.

- The Senate concurred with the House changes to SB 1297 [RC 578: 38 yes, 0 no]. Immediate Effect was given to the bill.

#### **SB 1302 (Patterson)**

## **SB 1304 (Birkholz)**

SB 1302 and SB 1304 are part of a package of bills exempting qualified start-up businesses from certain taxes, with local approval. A “qualified start-up business” is defined to mean a business that (1) has fewer than 25 full-time equivalent employees; (2) has sales of less than \$1 million in the tax year for which the credit is claimed; (3) has research and development expenses (as defined under the federal Internal Revenue Code) that constitute at least 15 percent of its expenses in the tax year for which the credit. The fiscal impact of the bills would depend on the number of qualified start-up businesses and the degree to which local units approve exemptions. These bills were vetoed as part of the start-up package; Republicans have reintroduced them in hopes of changing them enough to earn the Governor’s signature.

SB 1302 would exempt a qualified start-up business from the technology park facilities tax, except for that portion of the tax attributable to special assessments, debt millages, school enhancement millages, and school building sinking fund millages.

- The Senate concurred with the House changes to SB 1302 [RC 579: 38 yes, 0 no]. Immediate Effect was given to the bill.

SB 1304 would exempt a speculative building, new facility, or replacement facility of a qualified start-up business from the industrial facility tax, except for that portion of the tax attributable to special assessments, debt millages, school enhancement millages, and school building sinking funds millages.

- The Senate concurred with the House changes to SB 1304 [RC 580: 38 yes, 0 no]. Immediate Effect was given to the bill.

## **FINAL PASSAGE**

**SB 532 (Van Woerkom)**

**SB 533 (Van Woerkom)**

**SB 790 (Bishop)**

**SB 853 (Brown)**

**SB 854 (Birkholz)**

**SB 855 (BASHAM)**

**SB 857 (Bishop)**

**SB 858 (Gilbert)**

**SB 860 (Kuipers)**

**SB 861 (Patterson)**

## **LITTERING/RECYCLING PACKAGE**

Support: MEC, MUCC, DEQ.

SB 532 would create a reward for an individual who provided information that materially contributed to a civil fine imposed for littering. The reward would be 50% of the civil fine. The litter reward program will motivate people to turn in violators and help Michigan stay clean.

- Committee 1 (S-2) was adopted.
- SB 532 was moved to 3<sup>rd</sup> Reading.
- SB 532 passed [RC 584: 36 yes, 0 no].

SB 533 would exempt civil fines imposed for littering from the requirement that State civil infraction fines be applied solely for the support of public libraries and county law libraries.

- SB 533 was moved to 3<sup>rd</sup> Reading. No amendments.
- SB 533 passed [RC 585: 36 yes, 0 no].

SB 790 would establish the Recycling Advisory Council within the Department of Environmental Quality (DEQ). In part, the Council would have to: 1) Study and report to the Legislature on the costs associated with, and sources of funding for, new and existing recycling and waste diversion programs. 2) Establish goals for the diversion of waste from landfills in the State. 3) Conduct a cost-benefit analysis of expanding the scope of the beverage container deposit law. 4) Recommend to the Legislature changes to the State's comprehensive recycling plan, tax incentives to encourage recycling, and measures to foster the development of markets for recycled materials, and make other recommendations.

- Committee 1 (S-4) was defeated.
- Birkholz 2 (S-6) was adopted.
- SB 790 was moved to 3<sup>rd</sup> Reading.
- SB 790 passed [RC 593: 22 yes, 13 no].

SB 853 would require the DNR to provide a method for the volunteers of the Adopt-A-River program to record litter.

- Committee 1 (S-2) was defeated.
- Birkholz 2 (S-3) was adopted.
- SB 853 was moved to 3<sup>rd</sup> Reading.
- SB 853 passed [RC 586: 36 yes, 0 no].

SB 854 would create the Office of the Statewide Recycling Coordinator within the DEQ.

- Committee 1 (S-1) was defeated.
- Birkholz 2 (S-2) was adopted.
- SB 854 was moved to 3<sup>rd</sup> Reading.
- SB 854 passed [RC 587: 22 yes, 14 no].

SB 855 would require the DNR to provide a method for the volunteers of the Adopt-A-Shoreline program to record litter.

- Committee 1 (S-2) was defeated.
- Birkholz 2 (S-3) was adopted.
- SB 853 was moved to 3<sup>rd</sup> Reading.
- SB 853 passed [RC 588: 36 yes, 0 no].

SB 857 would require the DNR to provide a method for the volunteers of the Adopt-A-Trail program to record litter.

- Committee 1 (S-1) was defeated.
- Birkholz 2 (S-2) was adopted.
- SB 857 was moved to 3<sup>rd</sup> Reading.
- SB 857 passed [RC 589: 35 yes, 0 no].

SB 858 would require the DNR to provide a method for the volunteers of the Adopt-A-Park program to record litter.

- Committee 1 (S-2) was defeated.
- Birkholz 2 (S-3) was adopted.
- SB 858 was moved to 3<sup>rd</sup> Reading.
- SB 858 passed [RC 590: 35 yes, 0 no].

SB 860 would create a statewide toll-free hotline within MDOT to receive information on litter violations.

- Committee 1 (S-2) was defeated.
- Birkholz 2 (S-3) was adopted.
- SB 860 was moved to 3<sup>rd</sup> Reading.
- SB 860 passed [RC 591: 35 yes, 0 no].

SB 861 would establish the goals for waste recycling volumes in Michigan. The bill would also require a report to the standing committees of the House and Senate on recycling.

- Committee 1 (S-1) was defeated.
- Birkholz 2 (S-2) was adopted.
- SB 861 was moved to 3<sup>rd</sup> Reading.
- SB 861 passed [RC 592: 35 yes, 0 no].

#### **SB 1075 (George)**

SB 1075 would eliminate the requirement for a physician to countersign orders in a patient's record when the physician has delegated the duty to the physician's assistant.

- Committee 1 (S-1) was adopted.
- SB 1075 was moved to 3<sup>rd</sup> Reading.
- SB 1075 passed [RC 594: 35 yes, 0 no].

#### **SB 1206 (Van Woerkom)**

SB 1206 would allow for the redevelopment of qualified historic buildings so that the developer is eligible for both the state historic tax credit and the full benefit of the Neighborhood Enterprise Zone tax abatement. The bill would provide greater flexibility for municipalities to establish Neighborhood Enterprise Zones which provide incentives for housing development and improvement.

7/6:

- *Committee 1 (S-3) was defeated.*
- *Allen 2 (S-4) was adopted.*
- *HB 1206 was moved to 3<sup>rd</sup> Reading.*

8/4:

- SB 1206 passed [RC 583: 36 yes, 0 no].

#### **SB 1319 (Van Woerkom)**

SB 1319 would require the state to disburse child support electronically either to the recipient's account in a financial institution or to a special account that the recipient could gain access to by an electronic access card.

- Van Woerkom 1 (S-1) was adopted.
- SB 1319 was moved to 3<sup>rd</sup> Reading.
- SB 1319 passed [RC 597: 36 yes, 0 no].

## **HB 4508 (MCCONICO)**

### **DETROIT REFORM BOARD**

- THOMAS 1 (S-3) was adopted.
- Kuipers 1A was adopted.
- Kuipers 1B was adopted.
- HB 4508 was moved to 3<sup>rd</sup> Reading.
- Kuipers 1 was adopted [no RC]
- Kuipers 1A was adopted [no RC].
- HB 4508 passed with IE [RC 606: 26 yes, 12 no].

## **HB 5198 (Nofs)**

HB 5198 would amend the Open Meetings act to prohibit public bodies from including information in their minutes that would prevent them from complying with federal law designed to protect the privacy of a student's educational records. It requires schools to obtain written permission from a parent or an eligible student before releasing information from a student's record. The act contains an exception for "directory information" relating to a student, which includes the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

- HB 5198 was moved to 3<sup>rd</sup> Reading. No amendments.
- HB 5198 passed with IE [RC 603: 36 yes, 0 no].

## **HB 5446 (Ward)**

HB 5446 would require that one member of a county planning board be a school board member or a school employee from a district within the county. The appointment of the school official would be made when the first vacancy occurred on the county planning commission, following the effective date of this enacted bill.

Support: Michigan Township Association, Michigan Association of Counties, Michigan Environmental Council.

- HB 5446 was moved to 3<sup>rd</sup> Reading. No amendments.
- HB 5446 passed with IE [RC 599: 36 yes, 0 no].

## **HB 5664 (Stakoe)**

HB 5664 would adopt by reference the education and examination standards of the National Environmental Health Association, and enable the Department of Community Health to accept the association's certification

process for sanitarians who meet the standards. The bill also would create a seven-member advisory committee to make recommendations to the department regarding the registration and education standards, as well as disciplinary proceedings.

This bill sets state-level occupational procedures and guidelines for the more than 570 sanitarians who serve as the environmental scientists working in local health departments throughout the state. It also sets up an advisory committee of sanitarians that includes representatives of industries regulated by sanitarians -- associations of restaurateurs, groundwater well drillers, and wastewater recyclers—to advise the director of the Department of Community Health about the profession. The bill may well save the state money, since it proposes that the national examination offered by the National Environmental Health Association be used to certify sanitarians, in lieu of the state licensure exam, thereby recognizing current and best practice in the field.

Support: DCH, the Michigan Association for Local Public Health, the Michigan Environmental Health Association.

- HB 5664 was moved to 3<sup>rd</sup> Reading. No amendments.
- HB 5664 passed with IE [RC 600: 37 yes, 0 no].

#### **HB 5798 (RIVET)**

HB 5798 would require that home heating credits in excess of outstanding home heating fuel costs be applied to subsequent heating bills for up to 9 months before a refund is granted.

- Committee 1 (S-2) was adopted.
- HB 5798 was moved to 3<sup>rd</sup> Reading.
- HB 5798 passed with IE [RC 598: 36 yes, 0 no].

#### **HB 5801 (Shackleton)**

HB 5801 provide that a failure to pay the toll to cross the Mackinac Bridge would be a misdemeanor punishable by up to 30 days' imprisonment, a maximum fine of \$500, or both.

- Committee 1 (S-1) was adopted.
- HB 5801 was moved to 3<sup>rd</sup> Reading.
- HB 5801 passed with IE [RC 601: 36 yes, 0 no].

#### **HB 5820 (LIPSEY)**

HB 5820 would increase the maximum penalty for reckless driving. The bill would identify a violation as a misdemeanor and raise the maximum fine to \$500 and the term of imprisonment to 93 days.

- Committee 1 (1 amend) was adopted.
- HB 5820 was moved to 3<sup>rd</sup> Reading.
- HB 5820 passed with IE [RC 602: yes, no].

#### **HB 5846 (Stakoe)**

Under current law, if the defendant fails to appear in a court of record, the court may enter on record a default. After the default is entered, the court, upon motion of the attorney general, prosecuting attorney, or attorney for local municipalities, must give each surety (persons who paid the bail or bond money) immediate notice, not to

exceed seven days, after the date of the failure to appear. HB 5846 would remove the requirement that requires motion of the attorney general, prosecuting attorney, or attorney for the local unit of government to give surety immediate notice of a defendant's failure to appear.

Support: Court Officers, Deputy Sheriffs, and Process Servers Association of Michigan, Prosecuting Attorneys Association of Michigan, Michigan Professional Bail Agents Association, Professional Bail Agents of the United States, Universal Insurance.

7/1:

- *HB 5820 was moved to 3<sup>rd</sup> Reading. No amendments.*

8/4:

- *Cropsey 1 (3 amends) was adopted [no RC].*
- *HB 5820 passed with IE [RC 582: 36 yes, 0 no].*

### **HB 5876 (Sheen)**

HB 5876 is part of a package of bills to dismantle barriers to job creation and establishes the principle of certainty and governmental accountability. The bills would establish a maximum processing time for business permits and provides an incentive for government to act. This would help provide certainty for new, existing, and expanding businesses.

7/6:

- *Sanborn 1 was adopted [no RC].*
- *HB 5876 passed with IE [RC 539: 35 yes, 0 no].*

8/4:

- *Passage of the bill was reconsidered [no RC].*
- *Adoption of Sanborn 1 was reconsidered and defeated [no RC].*
- *Sanborn 2 (S-1) was adopted [no RC].*
- *HB 5876 passed with IE [RC 607: 37 yes, 0 no].*

### **HB 6021 (Pumford)**

HB 6021 would exempt from the ban on reselling or redispensing prescription drugs pharmacies operated by the Department of Corrections. The bill does not change the way in which prescribed drugs are administered to prisoners or stored in the correctional facilities. Furthermore, it is reported that several other states have amended their laws to allow similar practices in their state-operated correctional facilities without causing harm to prisoners or staff.

By being able to re-dispense pharmaceuticals that had not left the control of clinic staff, the Department of Corrections would experience cost savings, the extent of which would depend on the costs of the medications involved and the frequency with which they otherwise would have been destroyed, rather than re-dispensed. Early estimates of the costs savings attendant on the ability to re-dispense drugs ranged from \$800,000 to \$1.6 million, and did not assume that only unit-packaged medications could be re-dispensed. The House-passed 2004-05 budget for the Department of Corrections assumes savings of \$1.6 million based on prison clinics being able to re-dispense pharmaceuticals.

Support: DCH, Dept. of Corrections, Citizen Alliance on Prisons and Prison Spending.



Oppose: SEIU.

- Hammerstrom 1 (4 amends) was adopted.
- HB 6021 was moved to 3<sup>rd</sup> Reading.
- PRUSI 1 (1 amend) was defeated [RC 595: 16 yes, 20 no (GOP)]. Intent language to make sure pharmacy jobs are not lost.
- HB 6021 passed with IE [RC 596: 36 yes, 0 no].

## THIRD READING

### HB 6061 (Gaffney)

HB 6061 would specify that a member of the armed services or an overseas voter who was not registered to vote, but who possessed the qualifications of an elector (other than the requirement of residing in the city, township, or village by the 30th day before the next election), could apply for registration by using the federal postcard application.

- Hammerstrom 1 (1 amend) was adopted.
- HB 6061 was moved to 3<sup>rd</sup> Reading.
- BRATER 1 was postponed temporarily.

## RESOLUTIONS

### SR 280 (Van Woerkom)

A resolution to express support for the mission of Rural Partners of Michigan and calling for increased investment in this work.

- SR 280 was adopted [no RC].

### SR 285 (PRUSI)

A resolution to express support for the U. P. Entrepreneurship Development System grant application to the W. K. Kellogg Foundation.

- SR 285 was adopted [no RC].